

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON

JEREMY LEE KISER,

Plaintiff,

v.

Case No. 2:09-cv-00025

CAPT. DAVE ADKINS,
BOYD COUNTY DETENTION CENTER,
JAILER JOE BURCHETT, and
CPT. BERRY CLARK,

Defendants.

PROPOSED FINDINGS AND RECOMMENDATION

By Order entered May 11, 2009, the undersigned directed Mr. James Shepherd and Ms. Belinda Morton to provide a status report to the court as to whether they would represent Plaintiff, who filed a complaint *pro se* (docket # 11). On May 22, 2009, Mr. Shepherd and Ms. Morton filed their report, advising that by memorandum dated March 20, 2009, they informed Plaintiff that they would not represent him. Thus since shortly after March 20, 2009, Plaintiff has known that Mr. Shepherd and Ms. Morton would not represent him and yet he has not obtained other counsel and he has shown no interest in prosecuting this case himself. It appears that Plaintiff has lost interest in prosecuting this case.

It is respectfully **RECOMMENDED** that this case be dismissed without prejudice for failure to prosecute.

Plaintiff is notified that this "Proposed Findings and

Recommendation" is hereby **FILED**, and a copy will be submitted to the Honorable David A. Faber, Senior United States District Judge. Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Rules 6(d) and 72(b), Federal Rules of Civil Procedure, Plaintiff shall have ten days (filing of objections) and three days (mailing) from the date of filing this "Proposed Findings and Recommendation" within which to file with the Clerk of this Court, specific written objections, identifying the portions of the "Proposed Findings and Recommendation" to which objection is made, and the basis of such objection. Extension of this time period may be granted for good cause shown.

Failure to file written objections as set forth above shall constitute a waiver of de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984). Copies of such objections shall be provided to Judge Faber and this Magistrate Judge.

The Clerk is directed to file this "Proposed Findings and Recommendation" and to mail a copy of the same to Plaintiff.

May 26, 2009
Date

Mary E. Stanley
Mary E. Stanley
United States Magistrate Judge